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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,403	05/17/2006	Josef Rainer	RAINERETAL1PCT	5901

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EXAMINER	
BROCKMAN, ANGEL T	

ART UNIT	PAPER NUMBER
2463	

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07/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,403	RAINER ET AL.	
	Examiner	Art Unit	
	ANGEL BROCKMAN	2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04/30/2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 7, 2010 have been fully considered but they are not persuasive. Regarding **claims 1-7**, Applicant argues Fuhrmann does not disclose the structure of the data frame or a frame is sent from one bus subscriber to the other. Examiner respectfully disagrees with the applicant. The structure of a data frame is well known in the art as disclosed by Behret al.(column ,2 lines 10-20 column 4, lines 55-67-column 5, lines 1-30, figure 4, wherein the data of bus subscriber 30,40, and 50 respectively are contained in the fields 130,140, and 145 of the sum frame 125). Fuhrmann shows the timing of the data frame (figure 4, only one subscriber can transmit at a time, hence the timing shows the data frame is sent from one bus subscriber to the other).In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osakabe et al.(US 5,448,562 , hereinafter Osakabe) and Tanaka et al.(US 5,631,850, hereinafter Tanaka in view of Fuhrmann et al.(US 7,583,692 B2, hereinafter Fuhrmann).

Regarding **claim 1**, Osakabe discloses a system for transmitting data in bi-directional bus with at control device (column 13, lines 8-12, where the TV is the control device) comprising a send and receiving unit for data fields combined into a data frame(column 13, lines 19-28, figure 8, column 14, lines 41-60, where the TV transmits a control signal, and the data field is the data frame that comprises more than one field ,figure 15 and receiving is shown in column 17, lines 1-14), and with bus subscribers which comprise an evaluation circuit for reading in and reading out data fields in data frames(column 18, lines 26-35, lines 55-60)where the bus interface circuit

is the evaluation circuit, figure 8), with at least the bus subscriber at the bus end opposite of the control device comprising a send device for a data frame (column 13, lines 29- 51, where the bus interface circuit is the send device that carries a transmit signal to the bi-directional bus, figure 8), wherein at least the bus subscriber at the end of the bus comprises a control stage which is activated by a received frame and triggers the send device depending on the receipt of a data frame within the terms of the transmission of a data frame for at least the data fields of the bus subscribers(figure 14, column 19, lines 19-36, where the control is taking place in the microprocessor of the VTR, column 20, lines 21-40, where the VTR sends transmission status information to the TV, lines 40-67). Tanaka discloses a serial bus (column 10, lines 25-36). Osakabe and Tanaka do not disclose sending a data frame in the direction of the control device (1) whereas the sent data frame (11) contains at least data fields (14,15,16) for all bus subscribers (2,3,4) and the data frame (11) is handed over from one bus subscriber to the next bus subscriber. Fuhrmann discloses sending a data frame in the direction of the control device (1) whereas the sent data frame (11) contains at least data fields (14,15,16) for all bus subscribers (2,3,4) and the data frame (11) is handed over from one bus subscriber to the next bus subscriber (figure 1m wherein nodes 1,2,and 3 are bus subscribers 2,3, 4 and t1, t2 and t3 include data fields (14,15,16), abstract, wherein the guardian includes the control device (1)). Thus, it would have been obvious to the one of ordinary skill in the art at the time of invention to utilize the teachings as disclosed by Fuhrmann along with the system of Osakabe and Tanaka. The control and transmission as disclosed by Fuhrmann can be implemented in the system of Osakabe and Tanaka through software and hardware implementation. The motivation for utilizing the control

and transmission as disclosed by Fuhrmann along with the system Osakabe and Tanaka is to increase the efficiency of the system.

Regarding **claim 2,** Osakabe discloses wherein each of the bus subscribers comprises a control stage for a send device for sending a data frame for the own data fields and the data fields of the bus subscribers which lie between the control device and the respective bus subscribers (column 18, lines 36-41, where the microprocessor is in the bus subscriber the VTR and the control is done in column 17, lines 30-40, where the data fields of the bus subscribers is included in data #9~data #16) .

Regarding **claim 3**, Osakabe discloses the bus subscribers comprise a memory for the position of the data fields within the respective data frame which data fields can be read in and out via the evaluation circuit (figure 8, where the VTR is the subscribers and memory is included in the box 22).

Regarding **claim 4**, Osakabe discloses the control device comprises an allocation stage for the position of the data fields within a data frame which can be allocated to the individual bus subscribers (column 17,lines 33-45, column 22, lines 33-40) and an initialization device for reading out the positional data in data fields of a data frame addressed to the individual bus subscribers(column 18, lines 55-65, column 19, lines 5-35, where the microprocessor includes the initialization of reading out positional data), and that the bus subscribers comprise an initialization circuit for the address-related reading out of the positional data from the addressed data fields of the data frame into the memory for these positional data(column 19, lines 36-67, where the table includes the positional data., column 17, lines 33-40).

Regarding **claim 5**, Osakabe discloses each bus subscriber comprises a test circuit for recognizing a bus subscriber connected to the bus and connected in outgoing circuit with the same (figure 8,where the test circuit includes the bus interface (24) and the microprocessor (22) and includes the TV and VTR(20) and the outgoing circuit includes VTR(20), VTR(30),TV and VDP connected to the bus interface).

Regarding **claim 6**, Osakabe discloses the control device and the bus subscribers each comprise an encoding device(column 17, lines 24-33, where the microprocessor is the encoder) for producing check data from the data frame and that, as is known, the control device and the bus subscribers each comprise a check device for check data received with the data frames(column 19, lines 5-37, where the microprocessor is the check device for the subscribers, and column 20, lines 63- column 21, lines 1-67m where the microprocessor is the check device for the TV).

Regarding **claim 7**, Osakabe discloses the control device comprises an address memory for the addresses of the bus subscribers(figure 8, where the block 12 includes the address memory) and that each bus subscriber comprises a recognition circuit for triggering the evaluation circuit for reading out the data field in the data frame addressed to the bus subscriber on the one hand and for reading in its data field into the data frame on the other hand(column 14, lines 35-61, where the evaluation circuit includes the bus interface and the blocks 12 and 22, column 17,lines 34-63,where the microprocessor includes the recognition circuit in the VTR for reading out the data field, column 20, lines 21-57, column 19, lines 19-33).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANGEL BROCKMAN
Examiner
Art Unit 2463

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Examiner, Art Unit 2463

/Derrick W Ferris/
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